

UK UPDATE

UK Update Issue 167

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The UK Update provides up-to-date information on UK-EU, and UK-Ireland relations, bringing together relevant statements and policy positions from key players in Ireland, the UK and the EU.

The Update is part of a wider communications programme covering the work of the IIEA's UK Project Group – including commentaries, speeches, texts and event reports – which are highlighted on the Institute's website. (www.iea.com)

Introduction

“Hopefully ... we will move from drama on this hill to delivery for people” was how Alliance Party leader Naomi Long put it.

The decision of the DUP Executive to support the deal reached between Sir Jeffrey Donaldson, the Party leader, and the UK Government has brought an end to the two-year impasse. A power sharing administration formed on Saturday 3 February 2024, with firm commitments across the Assembly that work will commence immediately to address the day-to-day concerns of the people of Northern Ireland.

This Update will look at what led to the agreement between the UK Government and the Parties of Northern Ireland, particularly looking at the roles of Sir Jeffrey Donaldson, the leader of the Democratic Unionist Party (DUP), and Secretary of State for Northern Ireland, Chris Heaton-Harris.

Section One: State of Play

Northern Ireland Power Sharing Restored

Sinn Féin Vice President Michelle O'Neill has said her historic elevation to Northern Ireland's first nationalist First Minister represents a “new dawn” in Northern politics. She was appointed to the top position in the Stormont Government on Saturday 3 February 2024 following two years of political deadlock. Emma Little-Pengelly, the DUP MLP for Lagan Valley, was elected Deputy First Minister. Her party colleague, Edwin Poots, took the role of Assembly Speaker, succeeding Sinn Féin's Alex Maskey.

Following the appointment of the First Minister and Deputy First Minister, Alliance Party leader Naomi Long was confirmed, by cross-party agreement, as Justice Minister, a post she held in the last Assembly. The remaining seven ministers who will serve in the new power sharing government were nominated by their parties under the D'Hondt system – whereby ministerial positions are allocated to reflect each party's vote share in the last Assembly election. Sinn Féin holds three of these positions, the DUP two, and one each for the UUP and Alliance. As expected, SDLP MLA Matthew O'Toole was confirmed as leader of the Opposition.

The recall of the Assembly took place two years to the day since the DUP collapsed the power sharing institutions in protest at post-Brexit trading arrangements.

For more information on the newly formed Executive and Assembly, you can read the *Irish Times* article [here](#).

UK Prime Minister and Taoiseach meet, 5 February 2024

Prime Minister Rishi Sunak and the Taoiseach Leo Varadkar met in Belfast on 5 February 2024 during their visits to Stormont, noting the restoration of the Assembly and Executive. The Prime Minister issued a brief Statement:

The Prime Minister and Taoiseach Leo Varadkar met at Parliament Buildings, Stormont, today. The Prime Minister began by congratulating the Ireland rugby team for their emphatic win against France in the Six Nations on Friday.

The Prime Minister turned to the day's events and thanked the Taoiseach for the Irish Government's support for the UK Government efforts to see restoration of devolution in Northern Ireland. This had been a challenging time, but patience had proved key to a deal. Now that the institutions were up and running again, he wanted to see all three strands functioning equally well. The sense of relief and optimism from people in Northern Ireland had been very striking and made it all worthwhile. The leaders reiterated their shared view that a stable, effective and successful Northern Ireland benefitted the UK-Irish relationship immensely. They looked forward to remaining in close contact.

The official press release can be found by clicking [here](#).

Chris Heaton-Harris' Statement in the House of Commons

On 31 January, Chris Heaton-Harris, the Secretary of State for Northern Ireland, spoke in the House of Commons on the discussions taking place with the Northern Ireland Political Parties following two years without a function devolved government in Northern Ireland:

The Government recognised that the Protocol did not deliver to the people of Northern Ireland the same freedoms that leaving the European Union delivered to the rest of the United Kingdom. As the Party of the Union, this Conservative Government sought to address these concerns by replacing the Protocol with the Windsor Framework. But it alone did not prove sufficient to allow the devolved institutions to function with the cross-community support that is such an essential bedrock of the Belfast (Good Friday) Agreement.

Mr Heaton-Harris went on to outline the package deal for a return to Stormont and the four key elements that the Parties agreed upon. The Secretary of State also noted that this package would “[...] support the close historical and geographical ties between Ireland and the UK”.

In short, according to Mr Heaton-Harris' statement, the package deal will allow for the following four key elements:

- To further protect Northern Ireland's place in the UK;
- To promote and strengthen the UK internal market;
- To recognise the importance of the connections across the United Kingdom now and in the future;
- To help put public services on a sustainable footing.

The four key elements in the Northern Ireland Secretary's statement can be read in full [here](#).

Mr Heaton-Harris acknowledged that "it is now time for elected representatives in Northern Ireland to come together to end the two years of impasse and start to work again in the interests of the people who elected them" He also stated that the details of the deal and the promises within it would be commitments in law once debates in the House of Commons had taken place.

Mr Heaton-Harris concluded on an optimistic note:

Mr Speaker, it is time to build on the progress of the last 25 years. Today we have presented a plan which will deliver the long term change that Northern Ireland needs. It will strengthen Northern Ireland's place in the Union and guarantee the free flow of goods across the entire United Kingdom.

Safeguarding the Union / Command Paper 1021, January 2024

The UK Government published its Command Paper entitled *Safeguarding the Union* on 31 January 2024. The Paper details the agreements reached between the Government and the DUP on the contentious issues which led to the collapse of power sharing in 2022. The full paper can be read [here](#).

RTÉ's Northern Editor, Vincent Kearney, summarised the content of the Command Paper, describing the paper as "designed to ease concerns over Northern Ireland's post-Brexit status" and discussed how the arrangements set out in the paper would "ensure unfettered trade between Northern Ireland and Britain".

The key takeaways from the paper, according to Mr Kearney, were as follows:

It commits to replacing the green lane, which currently requires a percentage of goods to be checked, with a "UK internal market system" that will govern the movement of goods that will remain within the UK. The paper said that would ensure there will be "no checks when goods move within the UK internal market system save those conducted by UK authorities as part of a risk-based or intelligence-led approach to tackle criminality, abuse of the scheme, smuggling and disease risks". The paper adds: "This will ensure the smooth flow of goods that are moving within the UK internal market."

The red lane for transporting goods from Britain to Northern Ireland and on into the EU Single Market will remain, but the command paper offers measures aimed at reducing the volume of trade required to use that red-tape heavy route. The move to reduce post-Brexit checks on GB-NI trade would represent a change to the current EU/UK Windsor Framework agreement and therefore would require Brussels approval. It is understood decisions on implementing the changes are expected to be examined within the existing EU/UK joint committee framework in the time ahead. Downing Street said that the deal with the DUP contains "significant" changes to the Windsor Framework's operation.

The full RTÉ article can be found [here](#).

Northern Ireland Statutory Instruments Approved by House of Commons, 1 February 2024

The Northern Ireland Secretary, Chris Heaton-Harris introduced the draft Windsor Framework (Constitutional Status of Northern Ireland) Regulations 2024 which were formally approved by the House. The full debate can be found [here](#).

In his first statement to the House, Mr Heaton-Harris explained how a return to Stormont had been a top priority since February 2022 and that the package deal would safeguard Northern Ireland's place in the Union:

Getting devolution back up and running has been the principal focus of Government policy in Northern Ireland since February 2022, when the then First Minister resigned. The agreement that I set out to the House yesterday is designed to secure the widest possible support among the community in Northern Ireland for participating in the political process. These regulations should be seen and considered in the context of forming part of a package. This package will safeguard and durably strengthen Northern Ireland's integral place in the Union and the UK's internal market, and it will do so by placing commitments in that package into law.

Mr Heaton-Harris referred to the Windsor Framework as an integral part of strengthening the Union and ensure that the work in securing this package deal had addresses the concerns of Unionists.

The Windsor Framework (Constitutional Status of Northern Ireland) Regulations 2024 affirm, strengthen and future-proof Northern Ireland's place within the Union, underpinned by the Acts of Union and the terms of the Northern Ireland Act 1998. The regulations address the concerns that have been expressed in parts of the Unionist community in Northern Ireland that its status has been diminished. Let me say from the outset of our discussions that what the Government wanted, and the Democratic Unionist party wanted, and which we had, was our shared determination to strengthen our Union.

In terms of UK-EU cooperation and the use of the Stormont Brake, Mr Heaton-Harris expressed determination to sign the legislation into law as soon as the Assembly was up and running.

The regulations end any presumption that there is any form of automatic and unchecked dynamic alignment with European goods rules. Section 7A of the European Union (Withdrawal) Act 2018, the so-called pipeline of EU law, is now expressly subject to the operation of vital democratic safeguards that the Northern Ireland Assembly, when sitting, will be able to exercise, including the Stormont brake. Indeed when— I emphasise when—Stormont begins to sit again and first assembles, I will be able to sign that Stormont brake legislation into law and it will be available to be used by the Assembly as we move forward. When Parliament passed the 2018 Act, it was exercising its sovereignty so that the UK-EU withdrawal agreement could be implemented in domestic law.

DUP Agree to Return of Power Sharing at Stormont

The DUP leader, Sir Jeffrey Donaldson, announced on 30 January 2024 that his party had backed a decision to go back into power-sharing at Stormont providing the British government delivers promised legislation to reduce the impact of post-Brexit trade rules. This meant that the Stormont Assembly and Executive could be restored within days after a suspension of almost two years. Details of the agreement reached between his party and the UK government would be published and necessary legislation will be introduced in Westminster within days.

Sir Jeffrey Donaldson spoke at a press conference following the five-hour meeting of the DUP party executive. Sir Jeffrey outlined the DUP's goal to "secure the conditions for a return of devolved government on a sustainable basis and where it can make a real and meaningful improvement in the lives of all the people of this part of the United

Kingdom". Following discussions with the officers, Assembly grouping, parliamentary group and the central executive of the DUP, Sir Jeffrey announced that the proposals had been accepted by the Party Executive, and that a return to the institutions was imminent on condition that all commitments of the agreement are delivered.

[...] the package of measures in totality does provide a basis for our party to nominate members to the Northern Ireland Executive, thus seeing the restoration of the locally elected institutions." My party took a decision tonight. There was a vote taken and there was a decisive decision taken, that is all I am going to say. The result was very clear. The party, the DUP, has been decisive in the steps it has taken tonight and I have been mandated with a clear decision by my party.

Statements from Sir Jeffrey and Sinn Féin's Northern Ireland leader, Michelle O'Neill, can be read [here](#).

The Northern Ireland Secretary, Chris Heaton-Harris issued a statement following the DUP's announcement confirming the UK Government's commitments to the agreement made and that the conditions are now in place for the Assembly to return to Stormont as soon as possible.

This is a welcome and significant step. I am grateful to Sir Jeffrey Donaldson and colleagues for the constructive dialogue over the past months and to the other political parties in Northern Ireland for the patience they have shown during this time. [...] Sir Jeffrey Donaldson has said this is subject to the binding commitments between the Democratic Unionist Party and the UK Government - I can confirm that we will stick to this agreement.

You can read the full statement from Chris Heaton-Harris [here](#).

The build up to the agreement between the UK Government and Northern Ireland Parties on 30 January 2024

Chris Heaton Harris in House of Commons 17 January 2024

The Northern Ireland Secretary Chris Heaton-Harris replied to Northern Ireland Questions in the House of Commons on 17 January 2024. He acknowledged that it had now been nearly two years since the collapse of the institutions in Northern Ireland and that his desire for a return of power sharing has been showcased in his discussions with the Party leaders in Hillsborough in mid-January:

I cannot answer for the DUP, and would never seek to do so, but behind all this is the concern that it had about the Northern Ireland protocol as we left the European Union and how, as a consequence, goods were gradually being removed from Northern Ireland's supermarket shelves—a visible sign that Northern Ireland was being pulled away from the United Kingdom's sphere of influence and into the European sphere. I believe the Windsor framework set that straight.

The UK Government put an extremely fair and generous package for a restored Executive, worth £3.3 billion, on the table before Christmas. The money that Northern Ireland civil servants and I have available is from the budget passed in this place in the last year.

Mr Heaton-Harris highlighted the ongoing discussions and the Parties' dedication to securing a return to Stormont, but particularly the work with the DUP:

A huge amount is happening, including meetings galore with all the political parties in Northern Ireland, and especially the Democratic Unionist party, because it is the DUP that I need to get on board so that the

Executive can be restored. The hon. Lady says “at pace”, and we will happily work at whatever pace we can, but it is slightly determined by our interlocutors.

Sir Robert Buckland, Chair of House of Commons Northern Ireland Affairs Committee, commended Sir Jeffrey for “[...] his efforts to try to restore the Assembly and the Executive with a big offer”. He posed the following question:

Is it not right that, were direct rule to be contemplated, we would now need primary legislation following the St Andrews agreement? The political reality is that it would mean huge political pressure on all of us here, not only from within our United Kingdom but from outside. Does he agree that the best way to preserve our great United Kingdom is for everyone to get back around the table and to govern Northern Ireland from Stormont?

Secretary Heaton-Harris responded:

He is absolutely right in what he says; there is no way this Government want to go down the route of direct rule, which would need primary legislation. We do not want to go down the route of joint authority either and we will not do so. We need to find an appropriate form to allow the Executive to reform, which is what we are working unbelievably hard on with our colleagues in Northern Ireland.

A statement and question followed from Shadow Secretary for Northern Ireland, Hilary Benn, who acknowledged that if the Labour Party is elected they are committed to the implementation of the Windsor Framework and support the restoration of the institutions in Northern Ireland. He put the question to Mr Heaton-Harris: “Will the Secretary of State confirm that if the Executive are not restored by tomorrow evening, he will need to bring forward legislation to postpone the elections?”

Mr Heaton-Harris agreed that primary legislation would need to be brought in that Thursday to postpone an election in Northern Ireland and that he would be doing so within the week.

Further to this, Gavin Robinson DUP Deputy Leader and MP, following discussion on the Secretary of State’s stance on unionists lack of support of The Protocol, asked the following question: “Does he accept that the restoration of institutions will be secured only when that confidence within the Unionist community is put where it needs to be?”

Mr Heaton-Harris replied directly to Mr Robinson and commended him for the collaborative work with the DUP and the UK government so far on what is a “complex situation”.

I have said before, because it is absolutely obvious, that the Unionists in Northern Ireland are deeply unhappy with the existing Northern Ireland protocol. I believe we have made excellent progress. I hope that in the coming days and weeks, we can get to a point where his party can come to a conclusion on those talks that leads us to reform the Executive, because I know that he is a democrat and wants it reformed.

The full debate can be read [here](#).

Sir Jeffrey Donaldson in House of Commons, 24 January 2024

The DUP leader made a substantial contribution to the House of Commons debate on the extension of the Northern Ireland deadline. One commentator wrote that:

It was a speech that history may well remember as a watershed moment for the DUP. Sir Jeffrey Donaldson, lambasted in recent months for dithering and indecisiveness, rounded on unionism’s naysayers and dissenters

with a Westminster address that teemed not only with anger and frustration but a clear determination to lead his party back into Stormont.

Sir Jeffrey's speech was one of hope and clarity on the DUP's stance regarding devolution in Northern Ireland.

Some key quotes from the speech are reproduced below:

- *To be absolutely clear, the Democratic Unionist party supports devolution. We support the concept of the people of Northern Ireland being able to elect their representatives and to have good government delivered through the institutions of the Northern Ireland Assembly and the Northern Ireland Executive. We are clear that our objective is twofold: to address the issues and problems created by the Northern Ireland protocol as part of the withdrawal agreement of 2019-20; and to provide the basis for the restoration of our political institutions.*
- *I stand today and recognise that, as a result of the actions that my party took, the EU was brought back to the table, there were negotiations, changes have been made and further change will come*
- *The truth is that there are some—a tiny minority, but there are some—who do not want Stormont back or an Assembly in Northern Ireland. They would rather have imperfect direct rule than an imperfect Stormont. That is what they say, yet they are the same people who constantly berate the Government of the United Kingdom and this Parliament for selling them out [...] That is not the view of the vast majority of Unionists or people in Northern Ireland, and we understand that, which is why we are committed to getting a solution, moving things forward, making progress and resolving the issues that have harmed Northern Ireland—our economy, our businesses and, yes, our place in the United Kingdom.*
- *I simply say to my fellow Unionists in Northern Ireland, whatever their political persuasion or background, that the notion that a Unionism that turns in on itself is a Unionism that can deliver for Northern Ireland, to make Northern Ireland work and to secure the Union for the future, is not the way to go.*
- *We will provide the leadership that is required—because that is what is necessary to make Northern Ireland work—to ensure that our place in the Union is valued, respected and protected in law and in practice, to remove the barriers to trade so that we can trade in both directions with the rest of the United Kingdom, and to ensure that our Union is stronger and that Northern Ireland's place within it is both respected and protected. That is what we are aiming to achieve.*

Sir Jeffrey's full speech can be read [here](#).

Belfast Newsletter, 31 January 2024.

Sir Jeffrey Donaldson contributed an article to the Newsletter a few days after his speech at Westminster and acknowledged that although the negotiations were not perfect, they provide “an opportunity to use the new structures to shape the future and to continue to work and campaign on all the areas where we will want to focus on going forward”. Sir Jeffrey's article remained hopeful and emphasised the opportunities that would arise from accepting the British Government's package deal.

I know from over 40 years of public service that people want their representatives to be straight with them. They value honesty. Therefore, I won't claim that every battle has been won but I do believe what

has been achieved gives us an opportunity to bank what has been secured and to continue making the case for further change.

The publication of the package of proposals later today is the first stage in the government delivering its end of the bargain. The introduction and passing of measures in the House of Commons is also an essential part of that process so that we can be sure that everything is being fully implemented.

Sir Jeffrey noted that speculation around the deal could now end and that his efforts as leader of the DUP in these negotiations would lead to a stronger Northern Ireland.

The publication of the package will end speculation about the nature, shape, and content of what has been agreed. It will also debunk many of the myths peddled by some.

To my critics I simply ask, “what have you achieved and where would your strategy bring us? As the leader of unionism, I am determined to ensure we secure our gains and deliver in the best interests of Northern Ireland. I am convinced that on the basis of faithful delivery of all elements of the agreement we are taking the rights steps. I, and my colleagues, will work confidently, alongside others, to build a thriving Northern Ireland, firmly within the Union.

The Newsletter article can be found [here](#)

Northern Ireland Assembly Deadline Extended

Following the primary legislation mentioned in the previous section by Secretary of State, the deadline to hold elections to form an Assembly in Northern Ireland without an Executive in place was extended to 8 February. In a BBC news article, Jayne McCormick, NI political correspondent, explained how this would allow for extra time for the DUP to come to a decision on a return to devolution.

In the absence of a decision being taken by the DUP, the government was required to legislate to push back a requirement for fresh assembly elections and forming an executive.

Legislation to do that was fast tracked through the Commons on 24 January 2024. The Northern Ireland Secretary Chris Heaton-Harris pointed out that the government has already passed similar legislation on several occasions.

Chris Heaton-Harris stated that following the introduction of the Northern Ireland (Executive Formation) Bill, which has only a single clause, would allow for the extension of the deadline. He added: “I am committed to restoring devolution and significant progress has been made towards that objective. I believe that this bill, with the constrained timescales, will be sufficient.”

According to Ms McCormick’s report, “Mr Heaton-Harris has clearly indicated that even if Stormont is not restored by the deadline, he will not seek to call another election and would instead ‘legislate to protect public services’”.

[Click here for the full BBC report.](#)

DUP Party Meeting 19 January 2024

According to the DUP leader, Sir Jeffrey Donaldson, the meeting of party officers held on 19 January was “categorically not a make-or-break moment” for the Party’s return to Stormont. He told reporters that “so-called senior DUP sources who made this claim are ill-informed” and were “not people who are around the party officer table, they are not people who are privy to all of the detail that the party officers have been dealing with”. Sir Jeffrey said no agreement has been reached between the DUP and the UK government and discussions would continue in his statement following the meeting.

The DUP issued a short statement saying that they would not be giving a “running commentary on our position, save to say, we will continue to engage with the [UK] government.”

[Read the full Irish Times article by clicking here.](#)

Stormont Assembly suspended as DUP blocks speaker vote

Laura Hogan, RTÉ North East Correspondent, reported on the DUP’s blocking of a new speaker of the Northern Ireland Assembly.

A bid to elect a new speaker of the Northern Ireland Assembly on 17 January 2024 failed and the session was suspended. Nominations to elect Mike Nesbitt of the Ulster Unionist Party or Patsy McGlone of the SDLP to the role failed to get the necessary support of the DUP. Acting Speaker Alan Chambers said that because of the failure to elect a Speaker, no further business could take place and the session was suspended.

The full report can be found [here](#).

Section Two: The Evolving Debate

House of Commons Exchange on Good Friday Agreement.

During the House of Commons Debate on 1 February 2024 on the Statutory Instruments detailed in the Command Paper there was a notable exchange involving the Northern Ireland Secretary, Chris Heaton-Harris and the Northern Ireland MPs, Colum Eastwood and Sir Jeffrey Donaldson.

The following is a short transcript of the exchange:

Colum Eastwood: From listening to the Secretary of State and reading the Command Paper, we would perhaps think there is only the Democratic Unionist party in Northern Ireland and no people with any other constitutional preferences, but of course there are many people in the north of Ireland who want to see a new Ireland as soon as possible. Despite what might be in the Command Paper and what the Secretary of State and others have said, does he agree that the Good Friday agreement is sacrosanct and that it is absolutely clear that if people vote for constitutional change, that is what will happen—that it is not up to the British Government or anybody else; it is up to the people of Ireland, north and south?

Chris Heaton Harris: Yes, nothing that we are doing here changes that fundamental principle. The hon. Gentleman is absolutely right to make that point and I hope I have clarified it for him properly.

Sir Jeffrey Donaldson: Further to the point made by the hon. Member for Foyle (Colum Eastwood), the difficulty was that in the eyes of Unionists the Northern Ireland protocol undermined the principle of consent, which is at the heart of the Good Friday agreement. Does the Secretary of State agree that these new measures and the legislation reset the balance so that the principle of consent and the will of the people of Northern Ireland alone will determine the future of our country as part of the United Kingdom?

Chris Heaton Harris: Yes, and I think the right hon. Gentleman and the hon. Member for Foyle (Colum Eastwood) are making exactly the same point, and rightly so. They represent two communities that have governed by consent in the past and what we are doing here today is trying to get government by consent back up and running in Stormont in the future.

[Click here for the full debate.](#)

Newsletter Editorial, 18 January 2024

The Belfast Newsletter commented on the recall of the Northern Ireland Assembly on 17 January 2024 which failed to restore the Executive as the DUP continued its stance. The meeting was adjourned with no agreement on a future session. The article noted: "It was a pointless exercise, proposed by Sinn Fein and supported by the SDLP and Alliance." Furthermore, the editorial stated that Northern Ireland are used to "provocative gesture politics".

The editorial highlighted the Irish Sea border as the primary issue in resolving the issues facing the Northern Ireland Assembly and Executive. It also commented on the Assembly recall fell on the original deadline for Chris Heaton-Harris to call an election and the day before public sector strikes.

The editorial ended on a continued pessimistic note:

It is worth remembering that the parties to this recall all previously called for the 'rigorous implementation' of the NI Protocol. They continue to ignore the fact that our politics is in chaos precisely because of those arrangements, which they cheered on, that cut this part of the UK off from the rest of our country's economy. For all the hand-wringing, evasion and sanctimony that we witnessed at Stormont yesterday, it is still the Irish Sea border that is the biggest source of instability in Northern Ireland.

[Click here for The Newsletter article](#)

Section Three: Background Material and Further Reading

Background Material

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Further Reading

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